**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3178**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Pendarvis

Document Path: LC-0013HDB23.docx

Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Judiciary**

Summary: Law enforcement, mass shooting tort liability

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 87)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 87)

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3178_20221208.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 23‑1‑260 so as to establish certain duties of the state, its political subidivisions, and law enforcement to prevent or mitigate incidents of mass violence, to provide for civil liability for breaches of these duties, and to provide certain defenses and immunities are inapplicable to claims under this section.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 23 of the S.C. Code is amended by adding:

 Section 23‑1‑260. (A) For purposes of this section, “mass violence” means the death or serious bodily injury of four or more persons in a single incident.

 (B) The State and its political subdivisions have a duty to ensure the respective law enforcement agencies of each take appropriate measures to prevent or mitigate loss of life and serious bodily injury resulting from incidents of mass violence.

 (C) State or local law enforcement has a duty to make reasonable efforts to prevent loss of life or serious bodily injury resulting from a foreseeable incident of mass violence, and to take reasonable action to intervene in an incident of mass violence to mitigate any resulting serious bodily injury or death. Failure to take reasonable actions as required by this section is a per se violation or deprivation of the rights, privileges, or immunities secured by the South Carolina Constitution, 1895, or the laws of this State when serious bodily injury or death results.

 (D) In the event of a breach of the duties provided in this section, the State, a political subdivision, or state or local law enforcement is liable to an injured party for legal or equitable relief or any other appropriate relief in the discretion of the court.

 (E)(1) Statutory immunities and limitations on liability, damages, or attorneys’ fees do not apply to claims brought pursuant to this section. The provisions contained in Chapter 78, Title 15, the South Carolina Tort Claims Act, do not apply to claims brought pursuant to this section.

 (2) In claims brought pursuant to this section in the event of mass violence, it is not a defense that, nor is a defendant immune from liability because, he believed that he was acting in good faith or he was unaware that his action or inaction was unlawful as provided in this section.

 (F) In any action brought pursuant to this section, a court shall award reasonable attorneys’ fees and costs to a prevailing plaintiff. If a judgment is entered in favor of a defendant, then the court may award reasonable attorneys’ fees and costs to the defendant for defending any claims that the court finds frivolous.

 (G) A civil action pursuant to this section must be filed within two years after a cause of action accrues.

SECTION 2. This act takes effect upon approval by the Governor.

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